

E-Filed on 12/30/08

DIAMOND MCCARTHY LLP

909 Fannin, Suite 1500
Houston, Texas 77010
Telephone (713) 333-5100
Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800
Email: adiamond@diamondmccarthy.com
Eric D. Madden, TX State Bar No. 24013079
Email: emadden@diamondmccarthy.com

Special Litigation Counsel for USACM Liquidating Trust

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321

Susan M. Freeman, AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles, NV State Bar No. 006593
Email: rcharles@lrlaw.com

Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**VERIFIED PETITION FOR
PERMISSION TO PRACTICE IN
THIS CASE ONLY BY ATTORNEY
NOT ADMITTED TO THE BAR OF
THIS COURT**

[No hearing required]

Barbara Whiten Balliette, Petitioner, respectfully represents to the Court:

1. That Petitioner resides at Austin, Texas.
2. That Petitioner is an attorney at law and a member of the Austin office of the law firm of Diamond McCarthy LLP, with offices at 6504 Bridgepoint Parkway, Suite 400, Austin, TX 78730, (512) 617-5200, 909 Fannin Street, Suite 1500, Houston, TX

(713) 333-5100; 1201 Elm Street, 34th Floor, Dallas, TX 75270, (214) 389-5300; and 620 Eighth Avenue, 39th Floor, New York, NY 10018, (212) 430-5400.

3. That Petitioner has been retained personally or as a member of the law firm by the USACM Liquidating Trust ("USACM Trust") to serve as special litigation counsel to the USACM Trust.

4. That since November 1993, Petitioner has been and presently is a member in good standing of the bar of the highest court of the State of Texas, where the Petitioner regularly practices law.

5. That Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts of other States on the dates indicated for each, and that Petitioner is presently a member in good standing of the bars of said Courts.

<u>Court</u>	<u>Date Admitted</u>
Fifth Circuit Court of Appeals	1998
Western District of Texas	1997
Southern District of Texas	1997
Northern District of Texas	1994

6. That there are or have been no disciplinary proceedings instituted against petitioner, nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory or administrative body, or any resignation or termination in order to avoid disciplinary or disbarment proceedings, except as described in detail below: None.

7. That Petitioner has never been denied admission to the State Bar of Nevada.

8. That Petitioner is a member of good standing in the following Bar Associations: State Bar of Texas; Fifth Circuit Bar Association.

9. Petitioner has never filed application to appear as counsel in this Court. The following present and former members of Petitioner's firm with which Petitioner is associated have filed applications to appear as counsel under Local Rule IA 10-2 during the past three (3) years:

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied</u>
Andrea L. Kim Houston Office (10/17/08)	Thomas A. Hantges (BK-S-07-13163- LBR)	USBC	Granted (12/04/08)
Jon Maxwell Beatty Houston Office (01/28/08)	USA Commercial Mortgage Company (BK-S-06-10725- LBR)	USBC	Granted (01/29/08)
Lisa Tsai Austin Office (01/08/08)	USA Commercial Mortgage Company (BK-S-06-10725- LBR)	USBC	Granted (01/16/08)
William T. Reid, IV Austin Office (08/06/07)	USA Commercial Mortgage Company (BK-S-06-10725- LBR)	USBC	Granted (08/15/07)
Stephen T. Loden Houston Office (06/08/07)	USA Commercial Mortgage Company (BK-S-06-10725- LBR)	USBC	Granted (06/14/07)
Allan B. Diamond Houston Office (02/01/07)	USA Commercial Mortgage Company (BK-S-06-10725- LBR)	USBC	Granted (02/02/07)
Arley D. Finley, III ¹ Austin Office (02/01/07)	USA Commercial Mortgage Company (BK-S-06-10725- LBR)	USBC	Granted (02/02/07)
Eric D. Madden Dallas Office (02/01/07)	USA Commercial Mortgage Company (BK-S-06-10725- LBR)	USBC	Granted (02/02/07)

¹ Arley D. Finley, III resigned his role as a practicing attorney with Diamond McCarthy effective August 31, 2007.

1	Erin E. Jones ²	USA Commercial		
2	Houston Office	Mortgage Company	USBC	Granted
3	(02/01/07)	(BK-S-06-10725-		(02/02/07)
		LBR)		
4	Michael Yoder	USA Commercial		
5	Houston Office	Mortgage Company	USBC	Granted
	(02/01/07)	(BK-S-06-10725-		(02/02/07)
		LBR)		
6	Eric D. Madden	Provincial Govt. of		
7	Dallas Office	Marinduque v.	USDC	Granted
	(12/06/05)	Placer Dome, Inc.		(12/29/05)
		(CV-S-05-1299)		
8	James D. McCarthy	Provincial Govt. of		
9	Dallas Office	Marinduque v.	USDC	Granted
	(12/06/05)	Placer Dome, Inc.		(12/21/05)
		(CV-S-05-1299)		
10	Allan B. Diamond	Provincial Govt. of		
11	Houston Office	Marinduque v.	USDC	Granted
	(12/06/05)	Placer Dome, Inc.		(12/21/05)
		(CV-S-05-1299)		
12	Walter J. Scott	Provincial Govt. of		
13	Dallas Office	Marinduque v.	USDC	Granted
	(12/06/05)	Placer Dome, Inc.		(01/11/06)
		(CV-S-05-1299)		

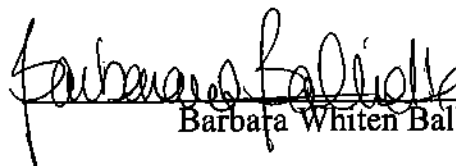
15 10. Petitioner consents to the jurisdiction of the courts and disciplinary boards of
 16 the State of Nevada with respect to the law of this state governing the conduct of attorneys
 17 to the same extent as a member of the State Bar of Nevada.

18 11. Petitioner agrees to comply with the standards of professional conduct
 19 required of the members of the bar of this court.

20 12. Petitioner has disclosed in writing to the client that the applicant is not
 21 admitted to practice in this jurisdiction and that the client has consented to such
 22 representation.

23 In light of the foregoing considerations, Petitioner respectfully prays that Petitioner
 24 be admitted to practice before this Court FOR THE PURPOSES OF THIS CASE ONLY.

25 DATED: 12-29-08



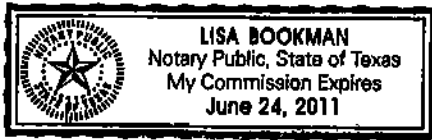
Barbara Whiten Balliette, *Petitioner*

² Erin E. Jones resigned her role as a practicing attorney with Diamond McCarthy effective October 1, 2008.

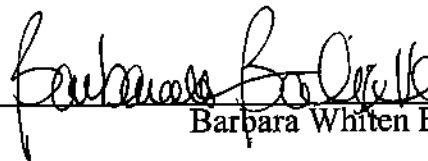
VERIFICATION

STATE OF TEXAS)
)
COUNTY OF AUSTIN)

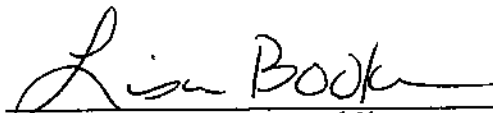
Barbara Whiten Balliette, Petitioner, being first duly sworn, deposes and says:
That the foregoing statements are true.



(SEAL)


Barbara Whiten Balliette, *Petitioner*

Subscribed and sworn to before me this
29th day of December, 2008.


Notary public